

execution of bonds totaling \$250, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22294. Adulteration of candy. U. S. v. 23 Boxes, et al., of Candy. Default decrees of destruction.** (F. & D. nos. 31966, 31967, 31968. Sample nos. 51646-A, 51647-A, 51648-A.)

These cases involved interstate shipments of candy which contained concealed coins.

On February 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 boxes of candy, in part at Paterson, N.J., and in part at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about January 19, 22, and 25, 1934, by the Josephson Candy Co., Inc., from Long Island City, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "120 Count [or "Ct."] Pocketbook."

It was alleged in the libels that the article was adulterated under the provisions of the law relating to confectionery, in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent.

Adulteration was alleged under the provisions of the law relating to food in that the article contained an added deleterious ingredient which might have rendered it injurious to health.

On April 2, 1934, no claimant having appeared for the property, judgments were entered ordering that the United States money be removed and turned over to the United States Treasury, and that the candy be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22295. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product distributed to charitable institutions.** (F. & D. no. 31939. Sample no. 43072-A.)

This case involved a shipment of a product consisting largely of domestic cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin.

On or about February 7, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at East Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 2, 1933, by Pietro Esposito & Bro., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Side panel of can) "La Gloriosa Packing Co., P. E. & B. Inc. N. Y."

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finisimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, borne on the label, and the prominence given to the words "Lucca Olive Oil" in the statement on the label, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil, and Fifteen Percent Lucca Olive Oil", were misleading, and deceived and misled the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil.

On April 26, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22296. Misbranding of diced mixed peel with cherries, diced citron peel, and diced orange peel. U. S. v. 10 Cases and 6 Cases of Diced Mixed Peel with Cherries, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 31747, 31748, 31749. Sample nos. 55195-A, 55196-A, 55198-A.)

These cases involved food products which were short weight. Examination further showed that the diced citron peel contained an undeclared coal-tar dye.

On December 22, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 16 cases of diced mixed peel with cherries, 5 cases of diced citron peel, and 4½ cases of diced

orange peel at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, in part on October 21, 1933, and in part on November 9, 1933, by Sussman-Wormser & Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Palmdale Brand Diced Mixed Peel with Cherries [or "Diced Peel Citron" or "Diced Peel Orange"] Net Weight 4 Oz. Packed by the Rubynette Company, San Francisco, Calif."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Weight 4 Oz.", was false and misleading and deceived and misled the purchaser, and in that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding of the diced citron peel was alleged for the further reason that the statement on the label, "Diced Peel Citron", was false and misleading and deceived and misled the purchaser, since it consisted of diced citron peel and artificial color and the label did not bear a declaration of the added color.

On April 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22297. Adulteration and misbranding of salad oil. U. S. v. Thirty 1-Gallon Cans of Alleged Olive Oil, et al. Default decrees of condemnation. Portion of product delivered to charitable institutions; remainder destroyed.** (F. & D. nos. 30072, 30654. Sample nos. 31980-A, 31981-A, 39760-A, 39761-A, 39762-A.)

These cases involved a product which consisted principally of domestic cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin. Certain of the lots were found to be short volume.

On April 11, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 gallon cans and 13 half-gallon cans of alleged olive oil at New Haven, Conn. On June 21, 1933, a libel was filed against 66 gallon cans, 47 half-gallon cans, and 45 quart cans of the same product at Providence, R.I. It was alleged in the libels that the article had been shipped in interstate commerce into the States of Rhode Island and Connecticut by Vincent Buonocore, Inc., from New York, N.Y., on or about February 20, 1933, and March 17, 1933, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that the statements on the label, "The contents of Olive Oil in this can is imported from Italy", "Superfine Oil Imperio", and the statement emphasized on the side panel "Virgin Olive Oil", were false and misleading and deceived and misled the purchaser, since they created the impression that the article was pure olive oil; whereas it consisted chiefly of domestic cottonseed oil; and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the quart size and a portion of the half-gallon size for the further reason that the statements, "Half Gallon Net", and "Quart Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than the quantity stated; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

No claimant appeared for the property. On July 12, 1933, judgment of condemnation was entered in the case instituted in the District of Rhode Island and the court ordered that the product be destroyed. On August 6, 1934, judgment of condemnation was entered in the remaining case and the court ordered that the product be distributed to charitable institutions and the containers destroyed.

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